

AMENDED IN SENATE AUGUST 24, 1999

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN ASSEMBLY MAY 18, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1165

**Introduced by Assembly Members Florez and Frusetta
(Principal coauthors: Assembly Members *Briggs*, *Cardoza*,
Machado, and *Reyes*)**

(Principal coauthor: Senator *Costa*)

**(Coauthors: Assembly Members *Alquist*, *Bock*, *Cardenas*,
Cedillo, *Gallegos*, *Honda*, *Knox*, *Kuehl*, *Margett*, *Mazzoni*,
Romero, *Thomson*, and *Wiggins*)**

(Coauthors: Senators *Alarcon*, *Baca*, *Escutia*, ~~*Ortiz*~~, *Hayden*,
Murray, *Ortiz*, *Polanco*, *Speier*, and *Vasconcellos*)

February 25, 1999

An act to amend Sections 27315, ~~31401, and 31404~~ and 31401 of, and to add Sections 2429, 4154, and 4453.2 to, the Vehicle Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1165, as amended, Florez. Farm labor vehicles: safety belts.

(1) Existing law requires the registration card for a vehicle to contain, on its face, the date issued, the name and residence

address or business address of the owner and of the legal owner, if any, and certain vehicle identification information.

This bill, additionally, would require the vehicle registration card of every farm labor vehicle, as defined, to contain the words, “Farm Labor Vehicle,” in conjunction with the vehicle identification information.

The bill would prohibit the department from issuing or renewing the registration of a farm labor vehicle unless the owner of the vehicle has provided the department with verification, as specified, that the farm labor vehicle inspection described below has been performed.

(2) Existing law prohibits any person from operating a motor vehicle, as defined, on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt.

This bill would expand the definition of “motor vehicle,” for purposes of the safety belt provision, to include a farm labor vehicle, and would thereby impose a state-mandated local program by expanding the definition of a crime.

(3) Existing law requires the Department of the California Highway Patrol to adopt regulations designed to promote the safe operation of farm labor vehicles relating to vehicular design, equipment, passenger safety, and seating. The department is required to inspect every farm labor vehicle at least once annually to ascertain whether its construction, design, and equipment comply with all provisions of law.

This bill would require those regulations to require every owner or operator of a farm labor vehicle to request the scheduling of the specified inspection, for a farm labor vehicle that has a current inspection certificate, not later than 4 weeks prior to the expiration date of the certificate, and for initial inspections, not later than 3 days prior to the requested inspection date.

The bill would require the department to develop an “800” telephone number system to facilitate public reporting of violations of specified provisions relating to farm labor vehicles, *and to publicize the number, as specified.*

~~(4) Existing law makes it a misdemeanor to operate a farm labor vehicle in violation of certain, specified provisions.~~

~~This bill, instead, would make it an infraction, punishable by a fine of not more than \$500, to operate a farm labor vehicle in violation of the specified provisions and other, additional provisions. The bill also would require the department to prepare and submit to the Legislature on specified dates reports that evaluate the implementation of this bill and the effectiveness of its provisions in improving the safety of farm labor vehicles.~~

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) The bill would appropriate \$1,750,000 from the General Fund to the Department of the California Highway Patrol for the purpose of increasing the number of special California Highway Patrol officers charged with enforcing laws prohibiting illegal transportation of agricultural workers, including enforcement of the requirement that farm labor vehicles be equipped with safety belts.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2429 is added to the Vehicle
2 Code, to read:
3 2429. The department shall develop an “800”
4 telephone number system to facilitate public reporting of
5 violations of Article 2 (commencing with Section 31400)
6 of Chapter 5 of Division 13. *The department shall include*
7 *in the department’s “El Protector Program” public*
8 *outreach activities that publicize the “800” telephone*
9 *number system.*
10 SEC. 1.5. Section 4154 is added to the Vehicle Code,
11 to read:

1 4154. *The department may not issue or renew the*
2 *registration of a farm labor vehicle unless the owner of*
3 *the vehicle provides verification to the department that*
4 *the inspection required by Section 31401 has been*
5 *performed. For these purposes, the department shall*
6 *determine what constitutes appropriate verification.*

7 SEC. 2. Section 4453.2 is added to the Vehicle Code,
8 to read:

9 4453.2. In addition to the information required under
10 Section 4453, the registration card of every farm labor
11 vehicle shall contain the words, "Farm Labor Vehicle," in
12 conjunction with the vehicle identification information.

13 SEC. 3. Section 27315 of the Vehicle Code is amended
14 to read:

15 27315. (a) The Legislature finds that a mandatory
16 seatbelt law will contribute to reducing highway deaths
17 and injuries by encouraging greater usage of existing
18 manual seatbelts, that automatic crash protection systems
19 which require no action by vehicle occupants offer the
20 best hope of reducing deaths and injuries, and that
21 encouraging the use of manual safety belts is only a partial
22 remedy for addressing this major cause of death and
23 injury. The Legislature declares that the enactment of
24 this section is intended to be compatible with support for
25 federal safety standards requiring automatic crash
26 protection systems and should not be used in any manner
27 to rescind federal requirements for installation of
28 automatic restraints in new cars.

29 (b) This section shall be known and may be cited as the
30 Motor Vehicle Safety Act.

31 (c) (1) As used in this section, "motor vehicle" means
32 any passenger vehicle or any motortruck or truck tractor,
33 but does not include a motorcycle.

34 (2) Until May 1, 2000, for purposes of this section, a
35 "motor vehicle" also means any farm labor vehicle that
36 was first issued an inspection certificate under Section
37 31401 on or after October 1, 1999.

38 (3) On and after May 1, 2000, for purposes of this
39 section, a "motor vehicle" also means any farm labor

1 vehicle, regardless of date of certification under Section
2 31401.

3 (d) (1) No person shall operate a motor vehicle on a
4 highway unless that person and all passengers 16 years of
5 age or over are properly restrained by a safety belt. This
6 paragraph does not apply to the operator of a taxicab, as
7 defined in Section 27908, when the taxicab is driven on a
8 city street and is engaged in the transportation of a
9 fare-paying passenger. The safety belt requirement
10 established by this paragraph is the minimum safety
11 standard applicable to employees being transported in a
12 motor vehicle. This paragraph does not preempt any
13 more stringent or restrictive standards imposed by the
14 Labor Code or any other state or federal regulation
15 regarding the transportation of employees in a motor
16 vehicle.

17 (2) The operator of a limousine for hire or the operator
18 of an authorized emergency vehicle, as defined in
19 subdivision (a) of Section 165, shall not operate the
20 limousine for hire or authorized emergency vehicle
21 unless the operator and any passengers four years of age
22 or over and weighing 40 pounds or more, in the front seat
23 are properly restrained by a safety belt.

24 (3) The operator of a taxicab shall not operate the
25 taxicab unless any passengers four years of age or over and
26 weighing 40 pounds or more, in the front seat are
27 properly restrained by a safety belt.

28 (e) No person 16 years of age or over shall be a
29 passenger in a motor vehicle on a highway unless that
30 person is properly restrained by a safety belt. This
31 subdivision does not apply to a passenger in a sleeper
32 berth, as defined in subdivision (v) of Section 1201 of Title
33 13 of the California Code of Regulations.

34 (f) Every owner of a motor vehicle, including every
35 owner or operator of a taxicab, as defined in Section
36 27908, or a limousine for hire, operated on a highway shall
37 maintain safety belts in good working order for the use of
38 occupants of the vehicle. The safety belts shall conform
39 to motor vehicle safety standards established by the
40 United States Department of Transportation. This

1 subdivision does not, however, require installation or
2 maintenance of safety belts where not required by the
3 laws of the United States applicable to the vehicle at the
4 time of its initial sale.

5 (g) This section does not apply to a passenger or
6 operator with a physically disabling condition or medical
7 condition which would prevent appropriate restraint in
8 a safety belt, if the condition is duly certified by a licensed
9 physician and surgeon or by a licensed chiropractor who
10 shall state the nature of the condition, as well as the reason
11 the restraint is inappropriate. This section also does not
12 apply to a public employee, when in an authorized
13 emergency vehicle as defined in paragraph (1) of
14 subdivision (b) of Section 165, or to any passenger in any
15 seat behind the front seat of an authorized emergency
16 vehicle as defined in paragraph (1) of subdivision (b) of
17 Section 165 operated by the public employee, unless
18 required by the agency employing the public employee.

19 (h) Notwithstanding subdivision (a) of Section 42001,
20 any violation of subdivision (d), (e), or (f) is an infraction
21 punishable by a fine, including all penalty assessments
22 and court costs imposed on the convicted person, of not
23 more than twenty dollars (\$20) for a first offense, and a
24 fine, including all penalty assessments and court costs
25 imposed on the convicted person, of not more than fifty
26 dollars (\$50) for each subsequent offense. In lieu of the
27 fine and any penalty assessment or court costs, the court,
28 pursuant to Section 42005, may order that a person
29 convicted of a first offense attend a school for traffic
30 violators or a driving school in which the proper use of
31 safety belts is demonstrated.

32 (i) For any violation of subdivision (d), (e), or (f), in
33 addition to the fines provided for pursuant to subdivision
34 (h) and the penalty assessments provided for pursuant to
35 Section 1464 of the Penal Code, an additional penalty
36 assessment of two dollars (\$2) shall be levied for any first
37 offense, and an additional penalty assessment of five
38 dollars (\$5) shall be levied for any subsequent offense.

1 All moneys collected pursuant to this subdivision shall
2 be utilized in accordance with Section 1464 of the Penal
3 Code.

4 (j) In any civil action, a violation of subdivision (d),
5 (e), or (f) or information of a violation of subdivision (h)
6 shall not establish negligence as a matter of law or
7 negligence per se for comparative fault purposes, but
8 negligence may be proven as a fact without regard to the
9 violation.

10 (k) If the United States Secretary of Transportation
11 fails to adopt safety standards for manual safety belt
12 systems by September 1, 1989, no motor vehicle
13 manufactured after that date for sale or sold in this state
14 shall be registered unless it contains a manual safety belt
15 system which meets the performance standards
16 applicable to automatic crash protection devices adopted
17 by the Secretary of Transportation pursuant to Federal
18 Motor Vehicle Safety Standard No. 208 (49 C.F.R.
19 571.208) as in effect on January 1, 1985.

20 (l) Each motor vehicle offered for original sale in this
21 state which has been manufactured on or after
22 September 1, 1989, shall comply with the automatic
23 restraint requirements of Section S4.1.2.1 of Federal
24 Motor Vehicle Safety Standard No. 208 (49 C.F.R.
25 571.208), as published in Volume 49 of the Federal
26 Register, No. 138, page 29009. Any automobile
27 manufacturer who sells or delivers a motor vehicle
28 subject to the requirements of this subdivision, and fails
29 to comply with this subdivision, shall be punished by a
30 fine of not more than five hundred dollars (\$500) for each
31 sale or delivery of a noncomplying motor vehicle.

32 (m) Compliance with subdivision (k) or (l) by a
33 manufacturer shall be made by self-certification in the
34 same manner as self-certification is accomplished under
35 federal law.

36 (n) This section does not apply to a person actually
37 engaged in delivery of newspapers to customers along the
38 person's route if the person is properly restrained by a
39 safety belt prior to commencing and subsequent to
40 completing delivery on the route.

1 (o) This section does not apply to a person actually
2 engaged in collection and delivery activities as a rural
3 delivery carrier for the United States Postal Service if the
4 person is properly restrained by a safety belt prior to
5 stopping at the first box and subsequent to stopping at the
6 last box on the route.

7 (p) This section does not apply to a driver actually
8 engaged in the collection of solid waste or recyclable
9 materials along that driver's collection route if the driver
10 is properly restrained by a safety belt prior to
11 commencing and subsequent to completing the
12 collection route.

13 (q) Subdivisions (d), (e), (f), (g), and (h) shall
14 become inoperative immediately upon the date that the
15 United States Secretary of Transportation, or his or her
16 delegate, determines to rescind the portion of the
17 Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R.
18 571.208) which requires the installation of automatic
19 restraints in new motor vehicles, except that those
20 subdivisions shall not become inoperative if the
21 secretary's decision to rescind that Standard No. 208 is not
22 based, in any respect, on the enactment or continued
23 operation of those subdivisions.

24 SEC. 4. Section 31401 of the Vehicle Code is amended
25 to read:

26 31401. (a) The department shall adopt regulations
27 designed to promote the safe operation of farm labor
28 vehicles described in Section 322, including, but not
29 limited to, vehicular design, equipment, passenger safety,
30 and seating.

31 (b) The department shall inspect every farm labor
32 vehicle described in Section 322 at least once annually to
33 ascertain whether its construction, design, and
34 equipment comply with all provisions of law. No person
35 shall drive any farm labor vehicle described in Section 322
36 unless there is displayed therein a certificate issued by the
37 department stating that on a stated day, which shall be
38 within 13 months of the date of operation, an authorized
39 employee of the department inspected the vehicle and
40 found on the date of inspection the vehicle complied with

1 applicable regulations relating to construction, design,
2 and equipment. The commissioner shall provide by rule
3 or regulation for the issuance and display of distinctive
4 inspection certificates.

5 (c) The department may inspect any vehicle subject
6 to these regulations in maintenance facilities, terminals,
7 labor camps, or other private property to insure
8 compliance with the provisions of this code and
9 regulations adopted pursuant to this section.

10 (d) *The department shall develop specifications for a*
11 *display sticker that shall be clearly displayed in every*
12 *farm labor vehicle. The display sticker shall list the*
13 *inspection certificate issued pursuant to this section and*
14 *the “800” telephone number required by Section 2429.*

15 (e) The regulations of the department shall require
16 every owner or operator of a farm labor vehicle to request
17 the scheduling of the inspection required under
18 subdivision (b) as follows:

19 (1) For farm labor vehicles that have a current
20 inspection certificate issued under this section, the
21 regulations shall require the owner or operator to make
22 the request for inspection not later than four weeks prior
23 to the expiration date of the certificate.

24 (2) For an initial inspection, the regulations shall
25 require the owner or operator to make the request for
26 inspection not later than three days prior to the requested
27 inspection date.

28 ~~(e)~~

29 (f) It is unlawful to violate any provision of these
30 regulations.

31 ~~SEC. 5. Section 31404 of the Vehicle Code is amended~~
32 ~~to read:~~

33 ~~31404. Any person who operates a farm labor vehicle~~
34 ~~in violation of this article, upon conviction of willfully~~
35 ~~violating those provisions, shall be punished by a fine of~~
36 ~~not more than five hundred dollars (\$500) for each~~
37 ~~violation, and no part of the fine may be suspended. As~~
38 ~~used in this section, “willfully” has the same meaning as~~
39 ~~prescribed in Section 7 of the Penal Code.~~

1 SEC. 5. *The Department of the California Highway*
2 *Patrol shall prepare and submit to the Legislature reports*
3 *on July 1, 2000, January 1, 2001, and January 1, 2002, that*
4 *evaluate the implementation of Sections 1 to 4, inclusive,*
5 *of this bill and the effectiveness of its provisions in*
6 *improving the safety of farm labor vehicles.*

7 SEC. 6. No reimbursement is required by this act
8 pursuant to Section 6 of Article XIII B of the California
9 Constitution because the only costs that may be incurred
10 by a local agency or school district will be incurred
11 because this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition
15 of a crime within the meaning of Section 6 of Article
16 XIII B of the California Constitution.

17 SEC. 7. The sum of one million seven hundred fifty
18 thousand dollars (\$1,750,000) is hereby appropriated
19 from the General Fund to the Department of the
20 California Highway Patrol for the purpose of increasing
21 the number of special California Highway Patrol officers
22 charged with enforcing laws prohibiting illegal
23 transportation of agricultural workers, including, but not
24 limited to, enforcing the requirement under Section
25 27315 of the Vehicle Code that farm labor vehicles, as
26 defined in Section 322 of the Vehicle Code, be equipped
27 with safety belts.

28 SEC. 8. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or
30 safety within the meaning of Article IV of the
31 Constitution and shall go into immediate effect. The facts
32 constituting the necessity are:

33 In order to provide, at the earliest possible time, for the
34 safety of persons transported in farm labor vehicles, it is
35 necessary that this act take effect immediately.